

Remarks

Claims 1-3, 5-16 and 18-20 are pending in the application.

Claims 1, 8, 12, 15 were 19 are rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the terminology "without further negotiations" was objected to. This phrase has been removed from these claims and it is submitted that this amendment overcomes the rejection and withdrawal of this rejection is requested.

Claims 1-3, 5, 8, 12 and 14-16 and 18-20 are rejected under 35 USC 102(e) as being anticipated by Kwan (US Patent No. 6,504,838).

Claims 1, 8, and 12 have been amended to include the limitations of claims 6, 7, 9-11 and 13, and claims 15 and 19 have been amended to include the requirements of determining if voice compression, echo cancellation or both are enabled and then disabling same. As claims 6, 7, 9-11 and 13 were rejected under 35 USC 103(a) as being unpatentable over Kwan, Applicants direct their remarks to this rejection, which encompasses the rejection under 35 USC 102(e) as well.

The office action states, "Kwan discloses a method, apparatus and computer-readable medium for establishing a high-speed modem relay connection over a voice frame network *inclusive of voice compression* (Col. 8, lines 18-41) and *echo cancellation* (Col. 10, lines 5-67)...such disablement functionality is applied within Kwan in regards to the data pump as related to the reception/transmission of messages or fax data signals, (Fig. 21 and Col. 55, lines 52-55)."

First, the architecture of Kwan never encounters a situation where voice compression or echo cancellation has to be detected and then disabled prior to establishing the data transmissions in Kwan. Second, the disablement functionality of Fig. 21 and the

corresponding text has to do with the fax transmitter and receiver enablement being mutually exclusive because the device cannot send and receive faxes at the same time.

With regard to the first point, the physical architecture of Kwan is set out in col. 7, lines 4-67. In this architecture, when the incoming signal is detected as being one of either voice, fax, data transmission, or voice band data modes, the desired physical devices (PXD's) are enabled as needed. See col. 7, lines 5-8 and col. 7, lines 65-67. Therefore, when the device detects that the signals are for data transmissions (see col. 9, lines 29-34) or whichever mode, only those resources that are needed are enabled, (for an example, see the voice mode description in col. 8, lines 19-25 in which only those resources needed are invoked, including the necessary PXD's through the DSP switchboards 32 or 32').

Therefore, when the device of Kwan enters data transmission mode, there is no need to determine if voice compression, data cancellation or both are enabled and then disabling them. When the device in Kwan is in the data transmission mode, those PXD's that provide that capability (see col. 8, lines 26-41) are never enabled and therefore never need to be disabled. In contrast, the method and apparatus as claimed operates as a voice mode device that can transition to a modem relay device, but it requires that the voice mode mechanisms of voice compression and echo cancellation must be checked to see if enabled, and if they are, they must be disabled.

With regard to the second point, the disablement to which the office action refers is with regard to the fax transmitter and receiver data pumps. See the Note on Fig. 21, "Only either the fax data transmitter or receiver is operating at any time," and the corresponding text, "The V.21 data pump 392 is selectively enabled/disabled 394c by the T.30 relay logic 394 in accordance with the reception/transmission of the T.30 messages or fax data signals." Therefore, this is not relevant to the determination and disablement of voice compression and echo cancellation.

Claims 1, 8, 15 and 19 have been amended to require determination and disablement of voice compression and echo cancellation. Even if they are not enabled, the method and device must make that determination. As stated above, the architecture of Kwan does not require this determination, as those devices are not invoked in the data transmission mode. Therefore it is not obvious to determine and disable those aspects of the device. It is therefore submitted that claims 1, 8, 15 and 19 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 2, 3 and 5 depend from claim 1 and inherently contain all of the limitations of that claim. As discussed above, the prior art does not teach, show nor suggest all of the limitations of the base claim, much less the further embodiments of the dependent claims. Kwan does not teach first and second detecting of an ANSam tone and a CM tone as in claim 2, signaling that the detecting has occurred as in claim 3, nor detecting additional CM codes as in claim 5, in a method where there is determination and then disablement of voice compression and/or echo cancellation. It is therefore submitted that claims 2, 3 and 5 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claim 14 depends from claim 12 and inherently includes all of the limitations of the base claim. As discussed above, the prior art does not teach the limitations of the base claim much less the further embodiments of the dependent claim. The prior art does not teach an apparatus having a pass-through invocation mechanism to determine and disable voice compression and echo cancellation in conjunction with a signaling mechanism to signal a remote gateway upon reception of an ANSam tone. It is therefore submitted that claim 14 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claims 16 and 18 depend from claim 15 and inherently contain all of the limitations of that claim. As discussed above, the prior art does not teach, show nor suggest all of the limitations of the base claim, much less the further embodiments of the dependent claims.

These claims should be ruled allowable for the reasons as applied to claims 2 and 5, respectively. It is therefore submitted that claims 16 and 18 are patentably distinguishable over the prior art and allowance of these claims is requested.


Claim 20 depends from claim 19 and inherently includes all of the limitations of the base claim. As discussed above, the prior art does not teach the limitations of the base claim much less the further embodiments of the dependent claim. Claim 19 should be ruled allowable for the reasons as applied to claim 2. It is therefore submitted that claim 20 is patentably distinguishable over the prior art and allowance of this claim is requested.

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & MCCOLLOM, P.C.



Julie L. Reed
Reg. No. 35,349

MARGER JOHNSON & MCCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
503-222-3613